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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,882	01/29/2002	Yukio Murata	122.1483	2430

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EXAMINER

SHEIKH, ASFAND M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,882	Applicant(s) MURATA, YUKIO	
	Examiner Asfand M. Sheikh	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In responsive to the Remarks/Arguments received 31 May 2006:
claims 1-9 have been amended and are pending in this
application, claim 10 has been added.

The Examiner withdraws the U.S.C. § 112 rejections from the
previous Office Action.

The Examiner maintains the same grounds of rejection for claims
1-9 as in the previous Office Action, and establishes grounds of
rejection for claim 10.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs
of 35 U.S.C. 102 that form the basis for the rejections under
this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. United States Patent Application Publication US 2002/0133387 A1.

As per claim 1, 4, and 7, Wilson discloses entering requirement information of products from the customer to a management unit (0024 and 0029; Examiner interprets "inquiry" to be entering requirement information. Examiner interprets "client" to be a management unit); providing the customer with shipment guarantee information from said management unit, which is shipment guarantee information includes at least a deliverable volume provisionally allocated to said products to be delivered by an appointed delivery date, according to temporary order including in said requirement information (0024 and 0029; Examiner interprets "delivered deliverable volume... by an appointed date" to be providing a shipment guarantee for some volume of product. Examiner interprets "promise" to be a temporary order); receiving formal order-receiving information of the products by the management unit from said customer in response to said shipment guarantee information (0024, 0029, 0037, and 0091; Examiner interprets "request for order" to be a formal order-receiving information from said customer); and formally allocating a shipment volume for said products

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corresponding to said shipment guarantee information, by the management unit, considering the order including in said received formal order received information (0024, 0029, 0037 and 0091).

As per claim 2, 5, and 8, Wilson discloses wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving (0024, 0035, 0051, and 0064-0065).

As per claim 3, 6, and 9, Wilson discloses in the step of formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee (0024 and 0035; Examiner interprets that "removing the reserve" to be deleting the guarantee).

As per claim 10, Wilson discloses a user-interface to receive requirement information, a change to the requirement

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information, and formal order-receiving information from the customer and to output a corresponding shipment guarantee information (0029; Examiner interprets "interacted with its customer to determine the customer's wants" to be the ability to change requirement information); an allocation unit to providing a production manager system with an estimate volume based on the requirement information, to receive from the production manager inventories to be allocated and to generate shipment guarantee information which includes a delivery date provisionally allocated to a volume of products on an order including in the requirement information (0024, 0029, 0037 and 0091; Examiner interprets "promise" to be an allocation unit providing an estimate volume based on requirement information); and a formal allocation unit to correlate the formal order-receiving information with the requirement information and to allocate the shipment guarantee information provided in response to the correlated requirements information to allocate of products of formal order including the formal order-receiving information (0024, 0029, 0037 and 0091).

Response to Arguments

3. Applicant's arguments filed 31 May 2006 have been fully considered but they are not persuasive. The Examiner notes pages

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1-6 of the Remarks/Arguments contain: a cover sheet, page highlighting substitute specification, and amended claims and further The Examiner notes augments begin on page 7. Examiner notes the substitute specification (top of page 7), withdraws the U.S.C. § 112 rejections from the previous Office Action.

With respect to claim 1-9, the applicant argues the date of the Wilson reference (middle of page 7). The Examiner acknowledges the January 31, 2001, priority date of the application. However, the Examiner notes that even though Wilson has a filing date of June 29, 2001, the Examiner relied on the provisional application date of Wilson, which dates to June 29, 2000. Based on the provisional application date of Wilson, the reference is indeed valid. Thus the argument is moot.

With respect to claim 10, The Examiner establishes grounds of rejection in the above Office Action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

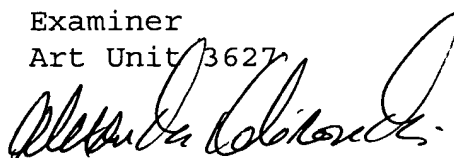
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

ams

Asfand M Sheikh
Examiner
Art Unit 3627



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER